UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/20/2009*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this
application after a decision by the Board of Patent Appeals and Interferences, but
before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or
the commencement of a civil action. Since this application is eligible for continued
examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been
timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution
in this application has been reopened pursuant to 37 CFR 1.114. Applicant's
submission filed on 4/20/2009 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/20/2009 is in
compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure
statement has been considered by the examiner.

Response to Arguments

Applicant's arguments and amendment filed 4/20/2009 have been fully
considered but they are not persuasive.

Applicant has amended claims 1 and 16 to recite, "***the processor programmed***

to synchronize the current time of day of a* first scheduling clock *with the current

***time of day of the clock of the first corresponding program source* based on the**

first current time reference information". The Examiner notes that these amended

claim limitations are similar to the previously claimed, "**the first scheduling clock**

synchronized with the clock of the first corresponding program source", except

that the amended claim limitations recite "**a current time of day**". Young teaches the

amended claim limitations at Column 13, Lines 3-8 for providing a schedule update

time/clock 230 update data that represents an updated current time of day (**from a first**

program source) for when a recording operation will be executed and Column 13,

Lines 17-22 for synchronizing a system clock 230 (**current time of day of a first**

scheduling clock) with the requested/scheduled time (**current time of day of the**

clock of the first corresponding program source) in order to execute a recording

operation.

Applicant has further amended claims 1 and 16 to recite, "***the processor***

programmed to ensure that the second scheduling clock is synchronized with the

current time of day of the clock of the second corresponding program source

prior to initiation of the second program processing function by synchronizing

the current time of day of the second scheduling clock with the current time of

day of the clock of the second corresponding program source based on the

second current time reference information prior to initiation of the second

program processing function". The Examiner notes that Young teaches the

amended claim limitations at Column 13, Lines 3-8 for providing a schedule update time/clock 230 update data that represents an updated current time of day (**from a first program source**) for when a recording operation will be executed and Column 13, Lines 17-22 for synchronizing a system clock 230 (**current time of day of a first scheduling clock**) with the requested/scheduled time (**current time of day of the clock of the first corresponding program source**) in order to execute a recording operation.   The Examiner further notes that Young teaches that the system is capable of scheduling more than one television program for recording (**see Figure 4**) and therefore a first, second or even a third current time of day clock of a first, second or third programming source, respectively, can be compared to a system clock or updated system clock 230 in order to execute a recording/program processing function. Further note that by comparing the two times/clocks to determine if a recording function should be initiated, the system inherently does so prior to initiation of the second program processing function, as claimed, because the recording function will not be executed if an affirmative comparison is made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 10-11, 13-17 are rejected under 35 U.S.C. 102(b) as being

clearly anticipated by Young et al. (U.S. Patent No. 5,479,268).

Referring to claim 1, Young discloses a processor (**see Figures 22A and 22B

and Column 12, Lines 38-52**) for providing an EPG (**see Figure 1**), wherein the

television receiver includes a processor (**see CPU 228 in Figure 22A**) and stores a

program schedule (**see Column 12, Lines 64-67**), the EPG operable by a user to select

a first program and a second program (**see Figure 1**) received from corresponding

program sources (**see Figure 1 for the first program NEWS coming from

channel/source CNN and the second program Jane Wallace coming from

channel/source LIF (Lifetime channel)**) and to select a first program processing

function for the first program and to select a second program processing function for the

second program (**see Figure 2 and Column 5, Lines 37-38 and Column 7, Lines 24-

30 for selecting programs to be recorded**).

Young also discloses a tuner (**see tuner 202 in Figure 22A**) operable by the

processor to receive for the first program, first current time reference information from a

first corresponding program source (**see Column 12, Lines 58-61 for receiving EPG

information and Figure 1 for the EPG information containing programs, which are

displayed for a specific time period (*for example see Figure 1 for Lunch Box

being broadcast at 12:00 PM*) from a particular programming source (*see Figure 1

for channel CNN, which is a broadcast source*)**), wherein the first current time

reference information provides information for synchronizing a scheduling clock with a

clock of the first corresponding program source (**see Column 12, Line 58 through

Column 13, Line 24 for using the incoming EPG information (*which includes

current time reference information for each program from each program (channel)

***source*)) to synchronize the scheduling clock (clock used to determine when to**

trigger a recording event) with a clock of the first corresponding program source (the

time in the EPG data used to determine what time and channel to start the

recording function)).

Young also discloses that the tuner operable by the processor also receives for

the second program, second current time reference information from a second

corresponding program source (**see again Column 12, Lines 58-61 and Figure 1 Jane**

Wallace being broadcast from source LIF at 11:00 AM), wherein the second current

time reference information provides information for synchronizing a scheduling clock

with a clock of the first corresponding program source (**see Column 12, Line 58**

through Column 13, Line 24 for using the incoming EPG information (*which

includes current time reference information for each program from each program

***(channel) source*)) to synchronize the scheduling clock (clock used to determine**

when to trigger a recording event) with a clock of the first corresponding program

source (**the time in the EPG data used to determine what time and channel to start**

the recording function). *Further note Figure 4, which shows that multiple*

programs on multiple channels can be scheduled for recording, therefore a first

and second program with two different clocks from two different sources can

provide information for synchronizing a scheduling clock.

Young also discloses that the processor is programmed to synchronize the

current time of day of a first scheduling clock with the current time of day of the clock of

the first corresponding program source based on the first current time reference

information (**see Column 13, Lines 14-17 for saving the record time in RAM 236 and

Column 13, Lines 17-22 for executing a record function when both times are

compared and the system determines that the two times matched, therefore

synchronizing a current time of day of a first scheduling clock that is

synchronized with current time of day of the clock of the first program source

(*sent in the EPG data*)**).

Young also discloses that the processor is programmed to initiate the first

program processing function based upon the synchronized first scheduling clock (**see

Column 13, Lines 17-22**).

Young also discloses that the processor is programmed to initiate the second

program processing function based upon the second scheduling clock (**see Column 13,

Lines 17-22**).

Young also discloses that the processor is programmed to ensure that the

second scheduling clock is synchronized with the current time of day of the clock of the

second corresponding program source prior to initiation of the second program

processing function by synchronizing the current time of day of the second scheduling

clock with the current time of day of the clock of the second corresponding program

source based on the second current time reference information prior to initiation of the

second program processing function (**Column 13, Lines 3-8 for providing a schedule

update time/clock 230 update data that represents an updated current time of day

(from a first program source) for when a recording operation will be executed and

Column 13, Lines 17-22 for synchronizing a system clock 230 (current time of day

of a first scheduling clock) with the requested/scheduled time (current time of day

of the clock of the first corresponding program source) in order to execute a

recording operation).   *The Examiner further notes that Young teaches that the*

system is capable of scheduling more than one television program for recording

(see Figure 4) and therefore a first, second or even a third current time of day

clock of a first, second or third programming source, respectively, can be

compared to a system clock or updated system clock 230 in order to execute a

recording/program processing function. Further note that by comparing the two

times/clocks to determine if a recording function should be initiated, the system

inherently does so prior to initiation of the second program processing function,

as claimed, because the recording function will not be executed if an affirmative

comparison is made. Further note Figure 4, which shows that multiple programs

on multiple channels can be scheduled for recording, therefore a first and second

program with two different clocks from two different sources can provide

information for synchronizing a scheduling clock.

Referring to claims 2, Young discloses that the current time reference information

(the start and end time of a program in the received EPG data (*see the rejection of*

*claim 1***))** provides a current time-of-day indication (**see again Figure 1 for NEWS**

starting at 11:00 AM, which is a current time of day (*the time the program is currently being broadcasted*)).

Referring to claim 4, Young discloses that the first programming processing function is at least one selected from the group consisting of a record function (**see the rejection of claim 1**).

Referring to claim 5, Young discloses that the group of claim 4, further consists program decoding (**see Column 13, Lines 60-61**).

Referring to claim 6, Young discloses that the processor is programmed to terminate the second program processing function based upon the second scheduling clock (**see Column 13, Lines 14-22 for recording a program according to it's start time and length, wherein the length allows the processor to calculate when to stop the recording at the end of the television program**).

Referring to claim 10, see the rejection of claim 2.

Referring to claim 11, see the rejection of claim 1 for providing a scheduling clock, which is a setting to record a television program, which indicates what time and day to record a program.

Referring to claim 13, Young discloses that the tuner is operable to receive the

first current time reference information from a first corresponding program source that is

a broadcast source (**see Column 12, Lines 58-62**).

Referring to claim 14, Young discloses that the system comprises a central

scheduling clock (**see Column 13, Lines 3-24**).

Young also discloses that the processor is programmed to provide the first

scheduling clock by updating the central scheduling clock with time information

generated based on the first current time reference information (**see Column 13, Lines

14-24**).

Young also discloses that the processor is programmed to provide the second

scheduling clock by updating the central scheduling clock with time information

generated based on the first current time reference information (**see Column 13, Lines

14-24**).

Referring to claim 15, Young discloses that the processor is programmed to

simultaneously maintain, for at least a period of time, both the first and second

scheduling clock (**see again Column 13, Lines 13-24 for maintaining the scheduled

times (*first and second scheduling clock for a first and second program,

respectively*) until the system clock 230 matches the scheduled program times

(*transmitted with the EPG information*)**).

Referring to claims 16-17, see the rejection of claims 1-2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marsh et al. (U.S. Patent No. 6,208,799) in view of Schein et al. (U.S. Patent No.

5,801,787).

Referring to claim 1, Marsh discloses a processor for providing an electronic

program guide (**EPG**), the EPG operable by a user (1) to select a first program and a

second program received from corresponding program sources and (2) to select a first

program processing function for the first program and (3) to select a second program

processing function for the second program (**see processor 25 in set-top box 11 in**

Figure 2 and Column 1, Lines 20-30 for the set-top box enabling a user to select

multiple programs for recording through an EPG).

Marsh also discloses a tuner operable by the processor to receive (2) for the first

program, first current time reference information from a first corresponding program

source, wherein the first current time reference information provides information for

synchronizing a scheduling clock with a clock of the first corresponding program source,

and (2) for the second program, second current time reference information from a

second corresponding program source, wherein the second current time reference

information provides information for synchronizing a scheduling clock with a clock of the

first corresponding program source (**see Column 1, Line 20 through Column 2, Line

14 for receiving first and second current time reference information (*IPG

information*) from a single server or headend (*see Figure 1*)**).

Marsh also discloses that the processor is programmed to synchronize the

current time of day of a first scheduling clock with the current time of day of the clock of

the first corresponding program source based on the first current time reference

information (**see Column 10, Lines 36-55 and Figure 7**).

Marsh also discloses that the processor is programmed to initiate the first

program processing function based upon the synchronized first scheduling clock (**see

Column 10, Lines 56-60 and Figure 7**).

Marsh also discloses that the processor programmed to initiate the second

program processing function based upon a second scheduling clock (**see Column 10,

Lines 36-55 and Figure 7**).

Marsh also discloses that the processor is programmed to ensure that the

second scheduling clock is synchronized with the current time of day of the clock of the

first corresponding program source prior to initiation of the second program processing

function by synchronizing the current time of day of the second scheduling clock with

the current time of day of the clock of the first corresponding program source based on

the second current time reference information prior to initiation of the second program

processing function (**see Column 10, Lines 56-60 and Figure 7**).

Marsh fails to teach receiving a clock of a second corresponding program source.

Schein teaches receiving current time/clock/EPG data from first and second

programming sources (**see Column 4, Lines 25-63**), and using the EPG data to

schedule program recordings (**see Column 6, Lines 40-44**).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the recording system, as taught by Marsh, to receive

EPG/clock/current time data from multiple programming sources, as taught by Schein,

for the purpose of allowing a user to easily select shows (**transmitted from multiple**

television program sources) for viewing or recordation (**see Column 1, Lines 64-65**

of Schein).

Referring to claim 16, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Young et al. (U.S. Patent No. 5,479,268) in view of Roop et al. (U.S. Patent No.

5,619,274).

Referring to claim 3, Young discloses that the system further comprises a display

for displaying a current time-of-day to a user (**see the current time 11:25A being**

displayed to a user in Figure 1)

Young fails to disclose that the processor is operable to provide an output for

updating the display of the current time-of-day based upon the first current time

reference information and a filter for filtering the output to inhibit a discontinuous change

in the current time reference information from causing a discontinuous change in the

display of the current time-of-day and for providing the filtered output to the display.

Roop discloses a filter for filtering said output such that any discontinuity in the

current time reference information is prevented and displaying the updated time to the

user (**see the Daylight Savings Time Change Command in Column 39 and note**

that automatically changing the current time according to the corrected Daylight

Savings time prevents any possible discontinuity), and providing said filtered output

to said display **(see Column 40, Lines 19-22**).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify EPG data receiving system, as taught by Young, to

include the daylight savings data, as taught by Roop, for the purpose of displaying

schedule data for time periods that contain the correct adjusted local time (**see Column**

40, Lines 21-22 of Roop).

Referring to claim 18, see the rejection of claim 3.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (U.S. Patent No. 5,479,268) in view of the Program and System Information Protocol for Terrestrial Broadcast and Cable document (herein referred to as the ATSC document) in further view of Landis et al. (U.S. Patent No. 5,561,461).

Referring to claim 7, Young discloses that the tuner is operable to receive EPG data from various types of means and further notes that "*Other means of delivering schedule information can be employed, including the use of a subcarrier channel on the cable service*", however, Young fails to teach that the tuner receives STT data that includes a time reference indicator and associated correction data sufficient to establish a time of transmission of a program by a corresponding broadcast source accurate to within about plus or minus 4 seconds.

The ATSC document teaches that a current time reference information comprises a System Time Table (**SST**) data of an MPEG compliant data stream (**see Pages 1 and 11-12**), and wherein said stored program schedule is derived from an Event Information Table (**EIT**) of an MPEG compliant data stream (**see Pages 1 and 11-12**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the data transmitted from the servers in packetized

form, as taught by Roop, to adhere to the MPEG standard with STT and EIT tables, for

the purpose of providing a collection of hierarchically arranged tables for describing

system information and program guide data (**see Page 11, Lines 1-2 of the ATSC

document**).

Young and the ATSC document fail to teach that the time of transmission is

correct to within about plus or minus 4 seconds.

Landis also discloses a television receiver that is capable of receiving a time

correction command, which is accurate to within seconds, therefore teaching accurate

to within about plus or minus 4 seconds (**see Column 3, Lines 1-7**).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the television receiver, as taught by Roop and the

ATSC document, using the enhanced television receiver that receives a time correction

command, as taught by Landis, for the purpose of maintaining accurate time (**see

Column 6, Lines 6-8 of Landis**).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young

et al. (U.S. Patent No. 5,479,268) in view of the Program and System Information

Protocol for Terrestrial Broadcast and Cable document (herein referred to as the ATSC

document).

Referring to claim 12, Young discloses that the tuner is operable to receive EPG

data from various types of means and further notes that "*Other means of delivering*

schedule information can be employed, including the use of a subcarrier channel on the

cable service", however, Young fails to teach that the first and second current time

reference information comprises STT data of an MPEG compliant data stream, and the

stored program schedule is derived from an EIT of an MPEG compliant data stream.

The ATSC document teaches that a current time reference information

comprises a System Time Table (**SST**) data of an MPEG compliant data stream (**see**

Pages 1 and 11-12), and wherein said stored program schedule is derived from an

Event Information Table (**EIT**) of an MPEG compliant data stream (**see Pages 1 and**

11-12).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the data transmitted to the television receivers, as

taught by Young, to adhere to the MPEG standard with STT and EIT tables, for the

purpose of providing a collection of hierarchically arranged tables for describing system

information and program guide data (**see Page 11, Lines 1-2 of the ATSC document**).

Claims 8-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Young et al. (U.S. Patent No. 5,479,268) in view of Usui et al. (U.S. Patent No.

5,808,694).

Referring to claim 8, Young discloses that the tuner is operable to receive first

current time reference information that is based on a first time-of-day clock, and that the

tuner is operable to receive second current time reference information, however, Young

is silent as to receiving EPG information (**second current time reference information**) based on a second time-of-day clock, with the second time-of-day clock being unsynchronized with the first time-of-day clock.

Usui teaches receiving first and second current time reference information (**EPG information**) from two separate sources (**see Column 17, Lines 8-22 and Figure 22**). Further note that Usui teaches that in the U.S.A. that time information is included in the EPG information (**see Column 5, Lines 45-51 and Column 17, Line 60 through Column 18, Line 5**), therefore the first and second current time reference information (**EPG information transmitted from separate source**) are clearly based on a first and second time-of-day clock, wherein the clocks are inherently unsynchronized because they are transmitted from two distinct sources/locations.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television receiver, as taught by Young, using the multiple EPG receiver functionality, as taught by Usui, for the purpose of allowing operability to be improved and a desired program to be selected in a short time and at a high degree of reliability (**see Column 18, Lines 18-20 of Usui**).

Referring to claim 9, see the rejection of claim 8.

Referring to claim 19, see the rejection of claim 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason P. Salce whose telephone number is (571) 272-

7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/   Jason P Salce
Primary Examiner, Art Unit 2421   Primary Examiner
                                                             Art Unit 2421

July 20, 2009